

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL

WESTERN ZONE PUNE

APPEAL NO. 20/2023



(Under Section 14, 16 (g) read

with Section 18 of the NATIONAL

GREEN TRIBUNAL ACT 2010)

IN THE MATTER OF:

Harishchandra Vitthal Naik

Through POA Vitthal Naik Appellant

Versus

The Goa Coastal Zone Management

Authority & Ors. Respondents

AFFIDAVIT IN REJOINDER

ON BEHALF OF THE APPELLANT

TO THE REPLY OF R-4.

I, Mr. Harishchandra Vitthal Naik, s/o. Vithal Naik, aged 87 years

Through POA Vitthal Naik, R/o. H. No. 10, Junas Wada,

[Handwritten Signature]

Mandrem Pernem Goa – 403527 do hereby on solemn oath affirmation state as below:

1. The appellant herein is served with copy of the affidavit in reply of R-4.
2. That the appellant craves leave of this tribunal and respectfully reiterates all the contents which are the part of the appeal and the same are reaffirmed.
3. I say that the contents of the reply for R-4 are full with malafides and vindictiveness and are prima facie incorrect.
4. I have read the contents of the affidavit in reply for R-4 and I have understood the contents thereof and I respectfully crave to attend to the para wise contents and I state as below.
5. I say that the respondent no.4 cannot speak for the error of documents that has occasioned whereby the appellant has alleged that the documents issued by the Village Panchayat which travel to the root of the case to demonstrate that the structures alleged were in existence prior to 1991 and this fact cannot be answered by the respondent no.4.
6. With reference to the contents of para 3 of the affidavit in reply for R4, it is denied that the contents of the para 3 are



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even remotely true the case of the appellant is that the respondent no.4 owing to their vindictive nature and desire to settle their scores have preferred false complaint and now that they are confronted with documents it is the need that deeper enquiry be warranted in absence whereof any action would be in defiance to the principles of natural justice. I say that the contents of para 3 are denied and the appellant reiterated the contents of appeal memo.

7. With reference to the contents of para 4 of the affidavit in reply for R4, it is denied and it is ascertained that the respondent no.4 is advancing vague and crafty statements which cannot defeat the right of the appellant.
8. With reference to the contents of para 5 of the affidavit in reply for R4, it is clarified that we are in appeal and the authority is ceased of the matter and what is being assailed is that the manner in which the documents relied by the appellant before the GCZMA were not appreciated and the entire detail of the facts is already before the CRZ authority.
9. With reference to the contents of para 6 of the affidavit in reply for R4, it is denied and it is clarified that the construction has been in existence since the prior to 1991.



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10. With reference to the contents of para 7 of the affidavit in reply for R4, it is denied and it is submitted that there has been no violation of CRZ norms in a manner sought to be projected and the fact whether there is violation in so far structure existed should come out from the Panchayat which has not been called in for enquiry as a result the entire exercise was futile and without any merit.

11. With reference to the contents of para 8 & 9 of the affidavit in reply for R4, it is clarified that the complaints were filed with a vindictive notion and to verify the contents it was vital that there be detailed enquiry which would clarify the position at loco.

12. With reference to the contents of para 10, 11, 12 and 13 of the affidavit in reply for R4, it is occurrence of proceedings which is part of record however that does not reflect any light on the facts of the structure existing prior to 1991.

13. With reference to the contents of para 14 of the affidavit in reply for R4 it is submitted that the contention raised about applicability of CRZ notification is being discussed. The contents of para 14 have been deliberately incorporate to mislead this Hon'ble tribunal.



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documents including the resolution book held the reference to the permission pertaining to alleged structures and in order to enable the facts reveal it is incumbent to note that the respondent no.1 could not even analysis any of the documents issued by the Panchayat in isolation of the incumbent authorities.

19. With reference to the other paras of the affidavit in reply the appellant reserves their case of the structures being in existence prior to 1991 and the fact is revealed from the documents received from the Panchayat which ascertain the position. The contents pleaded by R-4 contrary and adverse to the case of the appellant are denied false and are so presented with vindictive motive to harass and damage the appellant.

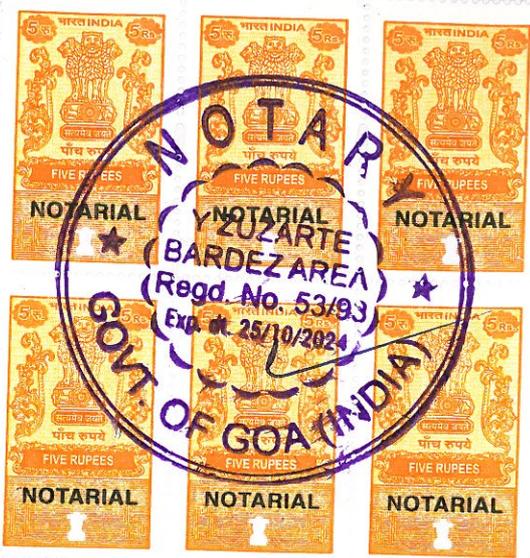


20. The contents of para 1 to 19 above are true to my knowledge and based on legal advice which I believe to be true.

[Signature] Solemnly affirmed on ¹² 11-09-2023 at Mapusa.

I identified by his
Aadhar Card No.
295721003869

[Signature]
Deponent



Solemnly affirmed before me by deponent
Who has been identified before me

_____ Known to me personally
Mapusa on 12-9-2023

Y. Zuzarte
Y. ZUZARTE
B.Se. L.L.B.
NOTARY
BARDEZ DIVISION

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Reg. No. ~~15691~~ / 2023